

104TH CONGRESS
2D SESSION

H. R. 3391

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 1996

Received

SEPTEMBER 27, 1996

Read twice and referred to the Committee on Environment and Public Works

AN ACT

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Leaking Underground
 5 Storage Tank Trust Fund Amendments Act of 1996”.

6 **SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.**

7 (a) TRUST FUND DISTRIBUTION.—Section 9004 of
 8 the Solid Waste Disposal Act (42 U.S.C. 6991c) is amend-
 9 ed by adding at the end the following new subsection:

10 “(f) TRUST FUND DISTRIBUTION TO STATES.—

11 “(1) IN GENERAL.—(A) The Administrator
 12 shall distribute to States at least 85 percent of the
 13 funds appropriated to the Environmental Protection
 14 Agency from the Leaking Underground Storage
 15 Tank Trust Fund (in this subsection referred to as
 16 the ‘Trust Fund’) each fiscal year for the reasonable
 17 costs under cooperative agreements entered into with
 18 the Administrator for the following:

19 “(i) States’ actions under section
 20 9003(h)(7)(A).

21 “(ii) Necessary administrative expenses di-
 22 rectly related to corrective action and com-
 23 pensation programs under section 9004(c)(1).

24 “(iii) Enforcement of a State or local pro-
 25 gram approved under this section or enforce-

1 ment of this subtitle or similar State or local
2 provisions by a State or local government.

3 “(iv) State and local corrective actions pur-
4 suant to regulations promulgated under section
5 9003(c)(4).

6 “(v) Corrective action and compensation
7 programs under section 9004(c)(1) for releases
8 from underground storage tanks regulated
9 under this subtitle in any instance, as deter-
10 mined by the State, in which the financial re-
11 sources of an owner or operator, excluding re-
12 sources provided by programs under section
13 9004(c)(1), are not adequate to pay for the cost
14 of a corrective action without significantly im-
15 pairing the ability of the owner or operator to
16 continue in business.

17 “(B) Funds provided by the Administrator
18 under subparagraph (A) may not be used by States
19 for purposes of providing financial assistance to an
20 owner or operator in meeting the requirements re-
21 specting underground storage tanks contained in
22 section 280.21 of title 40 of the Code of Federal
23 Regulations (as in effect on the date of the enact-
24 ment of this subsection) or similar requirements in

1 State programs approved under this section or simi-
2 lar State or local provisions.

3 “(2) ALLOCATION.—

4 “(A) PROCESS.—In the case of a State
5 that the Administrator has entered into a coop-
6 erative agreement with under section
7 9003(h)(7)(A), the Administrator shall distrib-
8 ute funds from the Trust Fund to the State
9 using the allocation process developed by the
10 Administrator for such cooperative agreements.

11 “(B) REVISIONS TO PROCESS.—The Ad-
12 ministrator may revise such allocation process
13 only after—

14 “(i) consulting with State agencies re-
15 sponsible for overseeing corrective action
16 for releases from underground storage
17 tanks and with representatives of owners
18 and operators; and

19 “(ii) taking into consideration, at a
20 minimum, the total revenue received from
21 each State into the Trust Fund, the num-
22 ber of confirmed releases from leaking un-
23 derground storage tanks in each State, the
24 number of notified petroleum storage tanks
25 in each State, and the percent of the popu-

1 lation of each State using groundwater for
2 any beneficial purpose.

3 “(3) RECIPIENTS.—Distributions from the
4 Trust Fund under this subsection shall be made di-
5 rectly to the State agency entering into a cooperative
6 agreement or enforcing the State program.

7 “(4) COST RECOVERY PROHIBITION.—Funds
8 provided to States from the Trust Fund to owners
9 or operators for programs under section 9004(c)(1)
10 for releases from underground storage tanks are not
11 subject to cost recovery by the Administrator under
12 section 9003(h)(6).”.

13 (b) CONFORMING AMENDMENT.—Section 9508(c)(1)
14 of the Internal Revenue Code of 1986 is amended by in-
15 serting before the period at the end the following: “and
16 to carry out section 9004(f) of such Act”.

17 (c) TECHNICAL AMENDMENTS.—Subtitle I of the
18 Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is
19 amended as follows:

20 (1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A))
21 is amended by striking out “sustances” and insert-
22 ing in lieu thereof “substances”.

23 (2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1))
24 is amended by striking out “subsection (c) and (d)”

1 and inserting in lieu thereof “subsections (c) and
2 (d)”.

3 (3) Section 9004(a) (42 U.S.C. 6991c(a)) is
4 amended by striking out “in 9001(2)(A)” and in-
5 serting in lieu thereof “in section 9001(2)(A)”.

6 (4) Section 9005 (42 U.S.C. 6991d) is amend-
7 ed—

8 (A) in subsection (a), by striking out
9 “study taking” and inserting in lieu thereof
10 “study, taking”;

11 (B) in subsection (b)(1), by striking out
12 “relevant” and inserting in lieu thereof “rel-
13 evant”; and

14 (C) in subsection (b)(4), by striking out
15 “Environmental” and inserting in lieu thereof
16 “Environmental”.

Passed the House of Representatives September 25,
1996.

Attest:

ROBIN H. CARLE,

Clerk.

By JEFF TRANDAHL,

Assistant to the Clerk.